

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDMONT P. D'ASCOLI, TRUSTEE OF )  
THE EDMONT P. D'ASCOLI REVOCABLE )  
LIVING TRUST DATED MAY 24, 1996 )

Opposer,

v.

EXEL OYJ

Applicant.

Opposition No.: 91155174

Mark: EXEL

Serial No. 76/301162

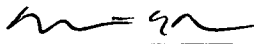
**OPPOSER'S OBJECTIONS RE  
APPLICANT'S LETTER OF EXPRESS ABANDONMENT**

Applicant Exel Oyj ("Applicant") has advised that it will submit its "Letter of Express Abandonment" on January 8, 2004, a copy of which was served on Opposer via email on January 7, 2004, and is attached hereto as Exhibit "A". Applicant proposes to abandon its application one day before the end of Opposer's 30-day testimony period (extended by stipulation to January 9, 2004), and the January 9, 2004 testimony deposition of Opposer. Applicant's "Letter of Express Abandonment" requests "that said application be withdrawn and the opposition terminated."

Opposer objects to Applicant's "Letter of Express Abandonment" on the grounds that it requests abandonment without the consent of Opposer. Thus, pursuant to Trademark

**CERTIFICATION OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on January 7, 2004

  
MARTIN E. HSIA 32,471

Rule 2.135, judgment must be entered against Applicant, not merely termination of the opposition.

After the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. The written consent of an adverse party may be signed by the adverse party or by the adverse party's attorney or other authorized representative.

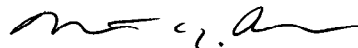
37 CFR § 2.135 (emphasis added). TBMP § 602.01 at 600-386 (2d ed., June 2003).

Accordingly, Opposer requests that the Board enter judgment against Applicant in accordance with Opposer's Notice of Opposition filed herein.

In addition, in the event Applicant fails to abandon its application notwithstanding its stated intent to do so, Opposer hereby reserves its rights to reopen and extend its testimony period and the trial period in these proceedings.

DATED: Honolulu, Hawaii, January 7, 2004.

Respectfully submitted,



---

MARTIN E. HSIA, Reg. No. 32,471  
Cades Schutte LLP  
1000 Bishop Street, 12<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
Telephone: (808) 521-9200  
Attorneys for EDMONT P. D'ASCOLI, Trustee  
of the EDMONT P. D'ASCOLI REVOCABLE  
LIVING TRUST DATED MAY 24, 1996

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Exel Oyj  
Serial No. : 76/301162  
Filing Date : August 17, 2001  
Mark : EXEL  
Examiner : Shari L. Sheffield  
Law Office : 109

Box RESPONSES

NO FEE

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

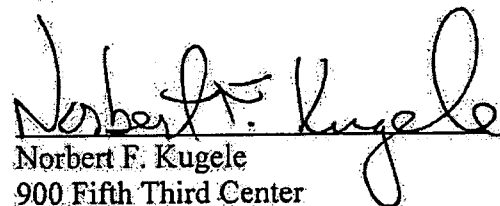
Letter of Express Abandonment

Applicant, through its attorneys and pursuant to 37 C.F.R. §2.68 and 37 C.F.R. § 2.135, hereby expressly abandons the above-identified application which was published for opposition purposes on November 19, 2002 and opposed in Opposition No. 91,155,174. Applicant requests that said application be withdrawn and the opposition terminated.

Respectfully submitted,

EXEL OYJ.

By: Warner Norcross & Judd LLP



Norbert F. Kugele  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503-2487  
(616) 752-2469

950514

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Exel Oyj  
Serial No. : 76/301162  
Filing Date : August 17, 2001  
Mark : EXEL  
Examiner : Shari L. Sheffield  
Law Office : 109

Box RESPONSES

NO FEE

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

CERTIFICATE OF MAILING

I certify that the attached Response is being deposited with the United States

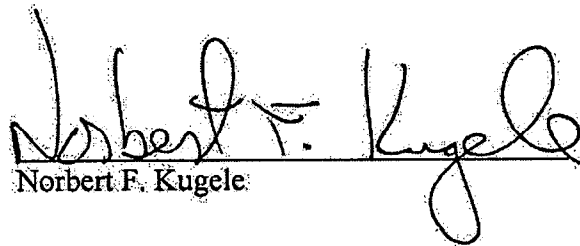
Postal Service as first class mail in an envelope addressed to:

Box RESPONSES

NO FEE

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

on January 8, 2004.

  
Norbert F. Kugele



## Transmittal Memorandum

**TO :** Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

01-13-2004

U.S. Patent &amp; TMO/TM Mail Rcpt Dt. #64

**FROM :** Martin E. Hsia, Esq.

**DATE :** January 7, 2004

**RE :** U.S. States Patent & Trademark Office  
Before The Trademark Trial And Appeal Board  
Opposition No.: 91155174  
Mark: EXEL  
Opposer: Edmont P. D'Ascoli, Trustee of  
The Edmont P. D'Ascoli Revocable Living Trust  
Dated May 24, 1996  
Applicant: EXEL OYJ

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
1		01/07/04	Opposer's Objections Re Applicant's Letter of Express Abandonment
1			Postcard Receipt

- ☐ For your information  
☐ For your files  
☐ Per your request  
☐ Per our conversation  
☒ **For necessary action**  
☐ Are returned herewith

- ☐ For signature and return  
☐ For signature, forwarding,  
as noted below & return  
☐ For review & approval  
☐ For distribution  
☒ **For recording/filing**

REMARKS:

C S

Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813  
Tel: 808.521-9200  
Fax: 808.521-9210  
www.cades.com

Kona Office  
75-170 Hualalai Road, Suite 303  
Kailua Kona, Hawaii 96740  
Tel: 808.329-5811  
Fax: 808.326-1175